

**STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BUREAU FOR PUBLIC HEALTH**

In The Matter Of:

Clarksburg Water Board
1001 S. Chestnut Street
Clarksburg, WV 26301

NOTICE OF VIOLATION

Comes now Ayne Amjad, MD, MPH, State Health Officer and Commissioner of the Bureau for Public Health (the “Commissioner”), and makes the following findings:

A. The Department of Health and Human Resources, Bureau for Public Health (the “Bureau”) is the agency with the duty and authority to regulate public water systems pursuant to W.Va. Code §16-1-9a, and the rules promulgated thereunder, W.Va. Code R. §64-3-1 *et seq.*

B. The Clarksburg Water Board (the “CWB”) is a municipal corporation, created by the West Virginia Legislature, governed by elected members, and has a business address of 1001 S. Chestnut Street, Clarksburg, West Virginia 26301.

C. The CWB is a “person” within the meaning of W.Va. Code R. §64-3-3.10.

D. The CWB owns and operates the Clarksburg Public Water System (CPWS), PWS identification no. WV3301705, and serves approximately 17,686 people and has 7,913 service connections, providing water to other public water systems serving an additional 38,225 people.

E. The CPWS is a “public water system” as defined by W.Va. Code R. §64-3-16, and more specifically, the CPWS is a “community water system” as defined by 40 CFR 141.2, and which regulations are adopted by reference by W.Va. Code R. §64-3-10.

F. Following notification of elevated lead screening results in three children residing in Clarksburg, the Bureau conducted lead screening assessments for those children at three separate residential locations served by the CPWS, which included water sampling from taps at the homes of the three children.

G. A lead action level of 0.015 milligrams per liter is incorporated by reference by W.Va. Code R. §64-3 as 0.015 milligrams per liter. Laboratory analysis of samples obtained by the Bureau from the exterior of the three residential locations served by the CPWS on June 14, 2021 returned results in excess of the established lead action level.

H. On July 2, 2021, the Bureau issued an Administrative Order to the CWB, requiring in section B.10 that the CPWS provide lead public education in compliance with 40 CFR 14.85 according to a schedule, including: Within three (3) business days of receipt of the Order that Lead Public Notice be provided to all homeowners and residents where suspected or known lead service lines exist, inclusive of unknown service lines but where lead service lines were likely installed; and, within five (5) business days of receipt of the Order, lead public education be provided to all consumers of water provided by the CPWS, including purchase systems. The CPWS was to certify completion of these requirements to the Bureau.

I. Actual notice of the Order was received by CWB on July 2, 2021.

J. As of the present date, the CWB has not certified to the Bureau a distribution of public notice to homeowners and residents served by unknown service lines but which are likely to be lead service lines.

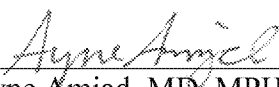
K. On or about July 12, 2021, the CWB notified the Bureau that no system-wide mailing had commenced via the US Postal Service, and that such mailing was not likely to

commence until Friday, July 16, 2021 at the earliest. Thus, as of July 14, 2021, seven (7) days following the receipt of the Order, neither requirement listed in paragraph H above has been certified or accomplished by CWB.

L. In light of the foregoing, the Commissioner finds that the CWB has violated Paragraph B.10 of the Administrative Order.

WHEREFORE, in accordance with W.Va. Code §16-2-9a(e)(1) and W.Va. Code R. §64-3.17.2, any person who violates any provision of an order issued pursuant to W.Va. Code R. §64-3 is subject to a civil penalty of not less than \$1,000.00 nor more than \$5,000.00 per day, the Commissioner assesses the CWB a civil penalty in the amount of \$5,000.00 per day commencing on the date of issuance of this Order until such time as the CWB is in full compliance with paragraph B.10 of the July 2, 2021 Administrative Order.

ENTERED on this 14th day of July, 2021.

BY: 
Ayne Amjad, MD, MPH
Commissioner
Bureau for Public Health

The issuance of this Notice of Violation nor the penalties assessed hereunder preclude the Bureau and/or the Commissioner from seeking any other remedy available under law for this or any other violation by the CWB.

You are hereby Notified in accordance with W.Va. Code R. §64-3-18 of the following:

Those persons adversely affected by the enforcement of this rule desiring a contested case hearing to determine any rights, duties, interests or privileges shall do so in accordance with the Bureau for Public Health Rule, “Rules of Procedure for Contested Case Hearings and Declaratory Rulings,” 64CSR1.